IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 10618 of 1999

Between:

M/s.Sri Lakshmi Durga Industries, rep. by its Partner Sri B.Venkateswarlu, aged about 45 years, s/o b.Narayana, Hindu, Business, R/o Bethamcherla (M), Kurnool District.

..... PETITIONER

AND

1. The Andhra Pradesh State Electricity Board, rep. by its Member/Secretary, Vidyut Soudha, Hyderabad.
2. The Chief Engineer, A.P.S.E.B., Cuddapah Zone, Cuddapah District.
3. The Superintendent Engineer (Assessments), A.P.S.E.B., Cuddapah District.
4. The Assistant Divisional Engineer, A.P.S.E.B., Dhone, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Lr.No.CE/CZ/CDP/C&P/221/A.136-99-KNL/D.No.530/99, dt.30.04.1999, passed by the 2nd respondent as illegal, arbitrary and against the Electricity Supply Act.

Counsel for the Petitioner: MR.G.VEERA REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Corporation.

The facts which are necessary for disposal of this writ petition are that the petitioner was found to be committed certain irregularities during the inspection conducted on 02.09.1997 followed by a provisional assessment made at Rs.3,66,482/-. Challenging the same, the petitioner has filed Writ Petition No.24832 of 1997, wherein he was directed to pay one-fourth of the amount. Thereafter, a show cause notice was issued on 27.09.1997. Ultimately, final assessment was made at Rs.4,54,718/-. On considering the objections filed by the petitioner on 14.09.1998, the said amount was reduced to Rs.2,44,955/- as per the final orders dated 26.02.1999, of which, the petitioner has already paid an amount of Rs.91,770/- . Thereafter, in appeal, as per the orders dated 30.04.1999, the amount was further reduced to Rs.1,40,069/-.

Though several contentions sought to be urged on either side in respect of the merits, however, having regard to the finding of fact arrived at by the authorities below, this Court cannot go into these

aspects in exercise of powers under Article 226 of the Constitution of India. More so, when the petitioner at every stage has got sufficient relief, there is no reason to find any fault even with regard to the assessment as arrived at.

Hence I do not find any merit in the writ petition. Accordingly, the writ petition is dismissed. No costs.

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23.12.2004

VGB

To

1. The Member/Secretary, Andhra Pradesh State Electricity Board, Vidyut Soudha, Hyderabad.
2. The Chief Engineer, A.P.S.E.B., Cuddapah Zone, Cuddapah District.
3. The Superintendent Engineer (Assessments), A.P.S.E.B., Cuddapah District.
4. The Assistant Divisional Engineer, A.P.S.E.B., Dhone, Kurnool District.
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